

In The Matter Of:

***IN THE MATTER OF THE LIQUIDATION OF THE HOME
INSURANCE COMPANY v.***

THOMAS J. WAMSER

June 21, 2005

LEGALINK MANHATTAN

420 Lexington Avenue - Suite 2108

New York, NY 10170

PH: 212-557-7400 / FAX: 212-692-9171

WAMSER, THOMAS J.



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THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

Docket No. 03-E-0106

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In the Matter of the Liquidation of

THE HOME INSURANCE COMPANY

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June 21, 2005

9:28 a.m.

Deposition of THOMAS J. WAMSER,
pursuant to notice, at the offices of
Clifford Chance US LLP, 31 West 52nd
Street, New York, New York, before Gail
F. Schorr, a Certified Shorthand
Reporter, Certified Realtime Reporter and
Notary Public within and for the State of
New York.

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A P P E A R A N C E S:

RACKEMANN, SAWYER & BREWSTER
Attorneys for COMMISSIONER OF
INSURANCE OF THE STATE OF NEW
HAMPSHIRE SOLELY AS LIQUIDATOR OF
THE HOME INSURANCE COMPANY
One Financial Center
Boston, MA 02111

BY: J. DAVID LESLIE, ESQ.
-and-
ERIC A. SMITH, ESQ.

LOVELLS
Attorneys for the ACE COMPANIES
900 Third Avenue
New York, New York 10022

BY: PIETER VAN TOL, ESQ.

DOWNS RACHLIN MARTIN PLLC
Attorneys for BENJAMIN MOORE
199 Main Street
Burlington, VT 05402-0190

BY: ANDRE BOUFFARD, ESQ.

ALSO PRESENT:

JONATHAN ROSEN

DENNIS G. LaGORY, ESQ.
Schiff Hardin LLP

1 THOMAS J. WAMSER

2 Secondly, while we never
3 gave them -- we never told them that we
4 would not in anyway in or otherwise
5 facilitate or participate in
6 discussions on cut-throughs, we did say
7 that while we were in the midst of
8 discussions on a global settlement of
9 the AFIA relationship we would not
10 participate in such discussions.

11 Third, we did tell them that
12 we would notify them, I'm not sure
13 immediately, but we did tell them that
14 we would notify them if we were going
15 to be entering into such an agreement.

16 Q. I believe you testified a
17 short while ago that you were unaware
18 during the period of time that I
19 enumerated of any cut-through
20 discussions between Ace or any AFIA
21 cedents. As of today, are you aware of
22 any cut-through negotiations
23 discussions between Ace and any of the
24 AFIA cedents from June 11, 2003, to
25 date?

1 THOMAS J. WAMSER

2 MR. VAN TOL: Object to the
3 form. How in the world would any
4 discussion or anything that postdates
5 February 2004 be remotely relevant to
6 this case?

7 MR. LESLIE: I'll limit my
8 question. Thank you, Pieter. I will
9 limit my question to the period between
10 June 11 and February 2004.

11 A. No, I am not. I'm not aware
12 of any such discussions.

13 Q. Thank you. Let's go back to
14 Ace responses again, number 68.

15 A. Go ahead.

16 Q. Ace response number 68.
17 Would you take a moment and read that
18 to yourself.

19 A. I see it.

20 Q. Ace's response in reaction
21 to the liquidator's request, and I'll
22 read it, the liquidator's request
23 "Century (and Ace generally) never
24 responded to the September 26th, 2003
25 letter" and Ace's response is "Denied";